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# BOOK REVIEWS.

THE LAW OF INTERSTATE COMMERCE AND ITS FEDERAL REGULATION. By Frederick N. Judson. Chicago: T. H. Flood & Co. 1905. pp. xix, 509.

This volume, by one of the administration's rebate prosecutors, is dedicated to the Secretary of War, "whose name is written large upon the pages of the judicial history of Interstate Commerce." It has been said of the work that "the profession in general will be surprised to see so much law and so many decisions relating to Interstate Commerce as this book shows." On the contrary, from a casual examination of the indices of this work and of the only other work on the subject it would appear that the earlier work, now some seven years old, contains citations of about three times as many judicial decisions as does the present work. Neither as a history of the development of the subject, nor as a summary of the law upon it, does the present volume appear to cover completely its limited field. On the other hand, there is included an elaborate index of the decisions of the Interstate Commerce Commission. It is to be regretted that the author's attention had not been attracted sufficiently early, if at all, to the scholarly and highly important article of some thirty pages in the fifth volume of the COLUMBIA LAW REVIEW. No discussion of the origin and effect of the decision in *Gibbons v. Ogden* can be exhaustive without recourse to the material there made available.

It has also been said of the present work, and by one who has "personally known the author for many years," that "the author had this topic pretty much to himself." Such would appear to be the case, and a careful examination of the volume would fail to disclose the fact that there had been an earlier work on the same subject which since its publication in 1898 had been looked upon as an authority. The same reviewer says that "any one studying the rate question either with a view to legislation or with a view to advising a client will be glad to find his labor largely done for him in Mr. Judson's book." It might be added with propriety that a very considerable part of that work had been done for all such persons by Prentice and Egan in their *Commerce Clause of the Federal Constitution*. It would appear to be an unfortunate oversight that the present work makes no allusion to the earlier work, which was confessedly the path-breaker on the subject, and without which, even now, one cannot thoroughly study the subject.

The original part of the present volume comprises five chapters by the author, occupying fewer than one hundred and fifty pages, and containing a commentary on the nature of interstate commerce, on the concurrent and exclusive powers of Congress, on the federal regulations of interstate commerce and the federal control of state regulation, and on combinations in interstate commerce. This is a quite readable statement of the more obvious features in the history of the law and in its present application, and presents an illuminating and brief survey of the subject as far as included within those topics.

The largest section of the volume, containing about two hundred

pages, consists of a reprint of the interstate commerce act, with annotations and editorial comments. It is substantially a "selected" digest, with a poor typographical arrangement for actual working purposes.

In the volume are also printed the anti-trust act of 1890, the "expedition" act, the act creating the department of commerce and labor, the "safety" act, and other more or less relevant material. A useful addition contains the rules of the practice before the Interstate Commerce Commission, and a few forms of procedure before the Commission.

For the student the volume will be useful in tracing recent developments and in supplementing on certain topics the earlier volume. The proof seems to have been read with unfortunate haste, notably on page 36.

CASES ON QUASI-CONTRACTS, EDITED WITH NOTES AND REFERENCES.  
By James Brown Scott. New York : Baker, Voorhis & Co. 1905.  
pp. xvi, 772.

This volume is prepared upon the theory that a law school course covering three academic years should devote about fifty hours of instruction to Quasi-Contracts. This is a moderate and sane estimate; and by taking this reasonable view, as well as by affording a collection of appropriate cases, the volume will do much towards gaining and preserving for Quasi-Contracts the attention to which the subject is entitled.

At the beginning the editor places eighteen pages of extracts, chiefly from treatises and the like, giving an analytical and historical view of the analogies and differences between the treatment of Quasi-Contracts in the Roman law and the treatment in our Anglo-American system. After this short but valuable introduction, the volume plunges into a presentation of the chief doctrines by the aid of decisions, after the well-known case system.

The arrangement of topics is largely that which has been made familiar by Keener's Cases on Quasi Contracts, but with changes suggested by experience. The cases selected are also to some extent the same, as might be expected from the fact that this volume, as the preface indicates, is intended to serve as a substitute for the earlier work; but this repetition is no greater than is inevitable whenever a new collection of cases is made. Indeed, it is surprising that the editor has been able to find so many cases that are new.

By selecting short cases and by omitting passages that are unessential, the editor has reduced the cases to an average length of about three pages. The result is that five or six cases can be covered in each lecture, and also that the whole subject is rendered clearer by being presented from many points of view.

The foot-notes follow the theory that citations for the use of students may advantageously avoid exhaustiveness and merely select from the vast mass of available authorities those few which may be examined with special profit. The citations give the dates of the decisions—a feature that cost the editor much labor and is well worth all the labor that it cost. The citations frequently—and especially when they are rather numerous—are accompanied with a phrase or short sentence indicating the precise subject of each decision; and